



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Ostwald et al.	§	
	§	
Serial No.: 10/034,134	§	Group Art Unit: 3652
	§	
Filed: December 28, 2001	§	Examiner: Keenan, James W.
	§	
For: Flexible Architecture for Rail	§	Attorney Docket No.: 2001-065-TAP
Mounted Multiple Robots in a Storage	§	
Library	§	

DECLARATION UNDER 37 C.F.R. § 1.131

I, Timothy C. Ostwald, affirm as follows:

1. I have been employed by Storage Technology Corporation (StorageTek) since June 14, 1982. My current position is Mechanical Engineer. I am an inventor on this application.

2. Before June 29, 2001 I caused to be constructed an operational device as claimed in this patent application.

3. Attached, as Exhibit A, is a copy of the program team meeting minutes for StorageTek on November 1, 2001. This non-published and proprietary document evidences that I actually caused the claimed system to be built before June 29, 2001. The meeting minutes have been redacted to show only the relevant portions of the minutes. The date at the bottom of the pages shows the date I printed the minutes, the date in the "Date Completed" column is accurately entered as of November 1, 2001.

4. Exhibit A, in Action I.D. #51401.6, states that, "Have two Corner Rail Testers (communication) fabricated." The date of completion is June 28, 2001. This statement, along with the entry in the "assigned to" column of Exhibit A, means that

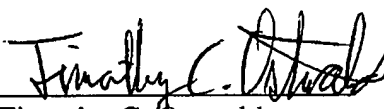
I was personally involved in building and testing the corner rail devices having the claimed feature of communication and control of the robot through a rail. (The word 'two' indicates that I built two devices.) The facts show that a device having the claimed feature of controlling a robot along a single rail actually existed and worked for its intended purpose on June 28, 2001.

5. I am an inventor on Canaday et al., Redundant Power Supply System and Method for an Automated Robotic Device in a Data Storage System, U.S. Patent 6,668,991 (Dec. 30, 2003). I am also an inventor of the subject matter referred to by the Examiner in the Office Actions.

6. StorageTek diligently filed the present application on December 28, 2001, less than one year from the completion date of Exhibit A.

7. I affirm that all statements made by me of my own knowledge are true and that all statements made on information and belief are believed to be true. I further affirm that the above statements were made with knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

DATE: October 18, 2004

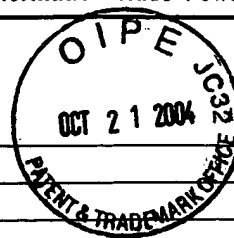

Timothy C. Ostwald

Attachment:

Exhibit A - Copy of "StorageTek Program Team Meeting Minutes"

MEETING MINUTES

E-lib Engineering Team Meeting



DATE	11/1/01
TIME	2:00 to 3:00
LOCATION	PowderHorn
AUTHOR	Bruce Wexler

ATTENDEES: In attendance Bold Blue indicates new entry	Don Wait James Ries Don Manes Jim Apple Robert Creager John Kostraba Ty Ostwald Russ Kennedy Tom Wultich Steven Johnston Bill Brinkmeier Greg Beary Howard Handler	Steve Ochs Antonio Borrego Dan Plutt Brad Wilkin Mike Anderson Randal Fird Bernie Johnson Andy Hewitt Dave Trachy Chris Morrison Steve Blendermann Jim Wolf Ron Walker Mary Beth Wickham
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AGENDA
Open discussion on elements of the e-lib architecture.

EXHIBIT A

DECLARATION OF TIMOTHY C. OSTWALD

OCTOBER 18, 2004

PAGE 1/2

ACTION ITEMS				
Action I.D. #	Action	Assigned to	Expected date of completion	Date Complete
51401.6	Have two Corner Rail Testers (Communication) fabricated.	Ty Oswald	6/28/01	6/28/01

EXHIBIT A
DECLARATION OF TIMOTHY C. OSTWALD
OCTOBER 18, 2004
PAGE 2/2